

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3084 of 2003

Petitioner	Suresh Kumar Sharma, aged about 48 years, Son of Shri J.L. Sharma, Forest Range Officer, Gariyaband Range, District Raipur (Chhattisgarh).
	Versus
Respondents	1. State of Chhattisgarh, through : The Principle Secretary, Department of Forest and Culture, Government of Chhattisgarh, D.K.S. Mantralay, Raipur (Chhattisgarh)
	2. The Principle, Chief Conservator of Forest, Department of Forest, Jail Road, Raipur (Chhattisgarh).
	3. The Divisional Forest Officer, East Raipur Division, Raipur (Chhattisgarh).
	4. K.L. Nirmalkar, Forest Ranger, Working Plan Raipur Forest Division, Raipur (Chhattisgarh).

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri P.K.C. Tiwari, Senior counsel with Shri Shashi Bhushan, counsel, for the petitioner.

Shri Pankaj Shrivastava, Panel lawyer for the respondents No. 1 to 3/State.

Shri Ajit Singh, counsel for the respondent No. 4.

ORAL ORDER

(1st February, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel for the petitioner submits that the petitioner was working as Forest Range Officer in Gariyaband Range, East Raipur Division, Raipur.
2. Vide order dated 24.9.2003 (Annexure P-1), the respondent No. 4 was transferred from Raipur Division to Range Officer Gariyaband Range, East Raipur Division.

3. The petitioner has filed this petition impugning the order dated 24.9.2003 (Annexure P-1) on the ground that the respondent No. 4 could not have been transferred to the post of Forest Range Officer, Gariyaband Range as the petitioner was already working as Forest Range Officer, Gariyaband Range. The petitioner has not been transferred from his place of posting as Forest Range Officer, Gariyaband to any place.
4. This Court, on 29.10.2003, while issuing notice, directed that the petitioner would not be directed to handover the charge till the next date of hearing. This order was neither amended nor set aside. Subsequently, it was brought to the notice of this court that order dated 31.10.2003 (Annexure R-1), the Conservator of Forest, Raipur Circle, Raipur has sought to post the petitioner as Depot Officer, Gariyaband, in spite the fact that this Court has directed the respondents not to direct the petitioner to hand over the charge of his place of posting i.e. Forest Range Officer, Gariyaband.
5. After grant of interim order more than two years have passed. It is well settled principle of law that it is for the employer to post an employee in the public interest and in administrative exigency. This Court should not interfere in exercise of its jurisdiction under Article 226/227 of the Constitution of India, in the transfer matter except in those cases where the order has been passed by an incompetent officer or in violation of statutory Rules and Regulations and/or on the ground of malafide exercise of power.
6. In the present case, the allegation of the petitioner is that the respondents No. 1, 2 and 3 have passed the impugned order, whereby the respondent No. 4 has been directed to be posted at the place where the petitioner was already working. Be that as it may, the petitioner has already enjoyed his posting as Forest Range Officer at

Gariyaband by virtue of the interim order dated 29.9.2003. In the facts of the case, it is not necessary to consider the case on merit at this stage. Further, the respondents No. 1, 2 and 3/ employers are at liberty to post the petitioner and the respondent No. 4, anywhere, keeping in view the administrative exigency and public interest, without insisting compliance of its earlier transfer order dated 24.9.2003.

7. For the reasons stated above, the petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge